

We are writing to the Labor Committee, House Bill H 5260 with a hearing on Thursday Feb. 25.

The Naugatuck Valley Project, in alliance with home care workers, urges a vote opposing House Bill H. 5260, in order to retain workers' recent gains in existing laws and rights, and to prevent workers being forced to agree to further "free time" pay cuts. The erosion of workers' rights such as these will destabilize the care industry, having a devastating effect on women, immigrants, and workers of color, in addition to the elder clients whose quality of care will be compromised. Improving the job quality of home care workers is an essential part of NVP's Aging with Dignity campaign that seeks to promote best practices of elder care to meet the needs of a rising aging population.

H. 5260 affects workers who obtained rights from federal governmental regulations and the Domestic Worker Act passed last year. These workers are not represented by organized labor because they are working in private homes, in jobs that they were able to secure on their own as individuals or were placed into by employment agencies. The bill would amend the definition of "Hours Worked" in the current Connecticut statutes to allow domestic work employers to:

- count some work hours as unpaid time;
- lower worker pay;
- deny workers pay for time they spend at the workplace that they cannot realistically use for personal purposes;
- encourage employers to make workers sign an agreement accepting these take-backs to get or keep a job;
- roll back last year's newly-won overtime rights.

First, the bill uses CFR 552.102 and 29 CFR 785.23 to amend the Connecticut **Minimum Wage** Statute to conform to the FLSA. However, these sections apply to live-in home care workers employed by *residential facility* employers. The amendment misinterprets these sections by applying them to a distinct sector of home care workers, who are employed for not less than twenty-four consecutive hours, and who do not reside at their workplace.

Second, the proposed bill seeks to benefit third-party employers such as a for-profit home care agency, by allowing them not to pay domestic workers for part of a 24-hour shift **if the employer signs an agreement with the worker** deducting "hours worked" from twenty-four hour domestic workers' hours. These are workers whose job duties require them to be on premises, and are not free from obligations since the patient requires 'live-in' care. Even if the worker is theoretically allowed to leave the client's home for a short time, it may be at a significant distance from the worker's home and/or the worker has no means of transportation. The worker cannot effectively use this "free" time to spend with family or attend to other personal needs, yet it is entirely foreseeable that an agency would require workers to agree to count such time as unpaid time.

Furthermore, this signed agreement **makes it harder for workers to assert rights**. She may assume she has no right to be paid for time during 'free' time she spends with the patient,

because she has signed the agreement. Since H. 5260 encourages employers to make workers sign an agreement to get or keep a job, home care industry groups would counsel home care agencies to require workers to sign boilerplate agreements to exclude some work time from pay to reduce labor costs and limit liability. The bill also rolls back newly-won federal wage and hour rights as the result of a historic Obama Administration reform revising the "companionship" services exemption from the Fair Labor Standards Act.

A bill that erodes home care workers' wages and rights does not improve the quality of their employment, and will affect job retention. NVP has spoken to workers throughout the Naugatuck Valley who are committed to caring for elders but who cannot afford to keep their jobs because of low pay and reduced or no benefits or compensation for expenses. High turnover prevents workers being trained to best care practices for a rising aging population, an issue that will only become more crucial as the number of elders who wish to age with dignity in their own homes continues to rise. For these reasons the Naugatuck Valley Project and its allies oppose H. 3260.

Sincerely,

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